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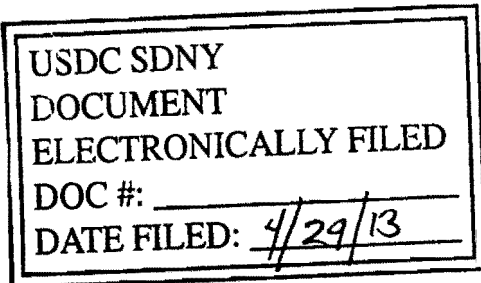
VIA FACSIMILE (212) 805-4258
Hon. Debra Freeman
United States District Court for the
  Southern District of New York
500 Pearl St, Chambers 525
New York, New York 10007

> Re: *Henry-Offor v. CUNY*, 11 CV 4695 (RA)(DCF) (S.D.N.Y.)
>   **Deposition scheduling**

Dear Judge Freeman:

We represent Plaintiffs Dr. Henry-Offor and Dr. Damas in the above-referenced employment discrimination action wherein the Complaint describes their termination due to Defendants' racism.

Pursuant to the Conference by telephone before Your Honor yesterday, the parties were able to schedule each of the depositions that the parties discussed on the call, which we have tentatively planned for Tuesday, Thursday and Friday of next week.

After the call, Defendants raised the issue of deposing a third-party witness, Gulnora Talipdzhanova. Ms. Talipdzhanova is a law school student who is in law school finals until May 20, 2013, and therefore not able to deposed at all next week. Defendants did not raise her deposition during yesterday's Conference and had not mentioned Ms. Talipdzhanova from the time of her subpoena early this month until after yesterday's Conference. In any event, the witness is not available to be deposed next week and Plaintiffs' counsel would not be able to defend her deposition on the only two (2) days that the calendar still allows for next week, *i.e.* Monday, April 29 (when Plaintiff's counsel has had long-standing plans to be out of the office) and Wednesday, May 1 (when Plaintiff's counsel has had long-standing plans to mediate at JAMS in a separate matter).

Had we understood during yesterday's Conference that Defendants sought the Court's guidance regarding Ms. Talipdzhanova's deposition, we would have represented that it would not be possible to conduct that deposition next week.

Hon. Debra Freeman
April 26, 2013
Page 2 of 2

In addition, Plaintiffs are wading through the tens of thousands of documents described during the Conference wherein we hope to find responsive discovery. Defendants' production is not however working as they described it yesterday.[1]

For these reasons, Plaintiffs respectfully request that the Court extend the discovery deadline as beyond next Monday.

We thank the Court for its time and attention to these matters.

Respectfully submitted,
THE HARMAN FIRM, PC

_____s/_____
Walker G. Harman, Jr.

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The Court having reviewed the letter from Defendants' counsel dated April 26, 2013, and the within response, it is hereby ordered that all depositions shall be completed by May 3, 2013, except for the deposition of Ms. Talipdzhanova, which shall be held on May 23, 2013. If, after full good faith conference, the parties remain unable to resolve any remaining issues regarding document discovery, counsel are directed to bring such issues to this Court's attention — with specificity — no later than May 3, 2013.

SO ORDERED: DATE: 4/30/13

DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

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[1] *E.g.*, Defendants' response to Plaintiffs' Documents Request 8 refers us "to those documents produced within Bates range CUNY204–210 and within esi request field REQ 8 for non-privileged documents responsive to this Request." Plaintiffs, however, have the entire production on a searchable hard drive and have run optical character recognition against these documents in order to render them searchable. We would expect more results for each of "CUNY204", "CUNY210", and "REQ 8" than only the document which referred us to them, *i.e.*, Defendants' Responses to Plaintiffs' First Set of Document Requests.